

5,823,690 to Narushima et al. In view of the following discussion, Applicant respectfully traverses the above rejection.

As Applicant has discussed previously, Hanabusa discloses a system and device which performs a discharge recovery process for an ink jet printing device and monitors an ink level in a waste tank, from the discharge recovery process. Specifically, Hanabusa discloses that the discharge recovery process is used to remove air bubbles, dust particles and overly viscous ink from the main ink supply so as to ensure proper printing. *See* Hanabusa, Col. 6, lines 9-20.

During the discharge recovery process, ink is sucked out by a pump 223 and is placed in an exhaust ink tank 224. *See id.* at col. 6, lines 39-46. Additionally, the device contains a unit 1003 which counts the number of discharge recovery operations that have been performed, including calculating the ink storage in the exhaust ink tank 224. *See id.* at col. 7, lines 26-40.

Thus, in Hanabusa, an amount of ink used and placed in the exhaust ink tank 224, during the discharge recovery process, is measured. Applicant notes that the discharge recovery process is not a printing operation.

The Examiner has admitted that Hanabusa fails to disclose that the recording medium is attached to the printer instead of the cartridge. The Examiner asserts that this aspect of the present invention is disclosed in Narushima, and that it would have been obvious to combine this feature with the system in Hanabusa.

Narushima discloses using a memory device to store data regarding the printing characteristics of the print head of a printing device, such as dot density, etc. The data can be stored in an EE-PROM, where the EE-PROM “may be physically and electrically connected to a

cartridge provided with the print head, while it may also be present by itself as an EE-PROM substrate and connected to the main body of the printer when the user connects the print head thereto.” Col. 15, lines 63-67. However, contrary to the Examiner’s assertions, Applicant submits that it would not have been obvious to combine the above references, as asserted by the Examiner, and even if the references were combined they would not teach each and every element of the claimed invention.

Namely, although the EE-PROM stores data, there is no disclosure of the EE-PROM storing data related to ink quantity. In Narushima, the data stored in the memory device is data regarding the printing characteristics of the print head. Specifically, the data that is stored is correction data which is specific with respect to each nozzle of the print head. Therefore, in Narushima, the EE-PROM and the print head must be used specifically with each other, on a one-to-one basis. Stated differently, they are specifically matched with each other. Further, Narushima indicates that the EE-PROM may be connected to a cartridge provided with the print head. However, the connection of the EE-PROM to the cartridge is effective, only on the condition that the cartridge is provided with a specific print head that corresponds to the cartridge.

However, on the other hand, an EE-PROM referenced in Hanabusa, which may store data related to ink quantity, is not used and need not be used in a one-to-one basis with a print head. Because of this difference, Applicant submits that it would not have been obvious to combine the teachings of the above references as suggested by the Examiner. Namely, the uses of the EE-PROMs with the various disclosed devices are so different, that one of ordinary skill in the art

would not have combined the references as suggested by the Examiner. Further, even if one were to make the Examiner's suggested combination, the resultant combination would not disclose each and every feature of the claimed invention.

In view of the foregoing discussion, Applicant submits that one of ordinary skill in the art would not combine the references as suggested by the Examiner, and that even if the references were combined the combination would not teach or suggest each and every feature of the claimed invention. Therefore, Applicant submits that the Examiner has failed to establish a *prima facie* case of obviousness, as required under 35 U.S.C. § 103(a). Accordingly, Applicant hereby requests the Examiner reconsider and withdraw the above 35 U.S.C. § 103(a) rejection of the above claims.

**Conclusion:**

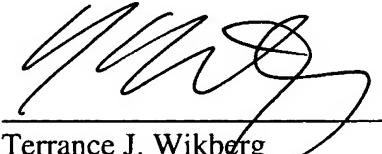
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

RESPONSE UNDER 37 C.F.R. §1.111  
Application Number 10/092,616

Our Ref: Q68810  
Art Unit: 2853

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Terrance J. Wikberg  
Registration No. 47,177

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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